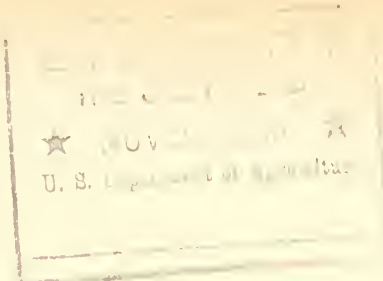


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UNITED STATES OF AMERICA  
IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE EASTERN DISTRICT OF ARKANSAS, WESTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
17,053.41 Acres, more or less, of )  
land in Arkansas County, Arkansas; )  
and The Fisher Delta Log Company, )  
et al. )  
 )  
Defendants )

No. .... 8041 ..... At Law

PETITION FOR CONDEMNATION

To the Honorable, the Judges of the United States District Court  
for the Eastern District of Arkansas:

The petition of the United States of America by Fred A. Isgrig,  
United States attorney for the Eastern District of Arkansas, acting under  
instructions of the Attorney General and at the request of the Secretary  
of Agriculture, respectfully shows as follows:

1. This petition is filed under the authority and provisions of the  
Act for the Relief of Unemployment Through the Performance of Useful Public  
Works, approved March 31, 1933, (48 Stat. 22) and pursuant to Executive  
Order No. 6724, dated May 28, 1934, authorizing the purchase or rental of  
land for emergency conservation work.



2. The Secretary of Agriculture has selected for acquisition by the United States the land hereinafter described for use in the construction of useful public works and improvements in connection with the White River Migratory Waterfowl Refuge, and for such other uses as may be authorized by Congress or by Executive Order. The said lands are necessary and are required for immediate use, in order that said construction work may be begun. In the opinion of the Secretary of Agriculture it is necessary, advantageous and in the interests of the United States that said lands be acquired by judicial proceeding as authorized by Act of Congress approved August 1, 1888 (25 Stat. 357; 40 USCA 257, 258).

3. The lands sought to be acquired in this proceeding are described as follows:



WHITE RIVER PROJECT TRACTS

17,053.41 Acres in Arkansas County, Arkansas

The Fisher Delta Log Company Tract (No. 5b) - The  $\frac{1}{2}$  SE $\frac{1}{4}$ , Sec. 7; and the  $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 18, T. 6 S., R. 1 W., containing 160.00 acres, more or less.

The Storthz Brothers Tract (No. 105) - The  $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 20, T. 5 S., R. 1 W., containing 80.00 acres, more or less.

The Storthz Brothers Tract (No. 105a) - The S $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ , and the SE $\frac{1}{4}$ , Sec. 29, T. 5 S., R. 1 W., containing 360.00 acres, more or less.

The Storthz Brothers Tract (No. 105b) - Lot 4 in the NW $\frac{1}{4}$ , Sec. 31, T. 5 S., R. 1 W., containing 53.60 acres, more or less.

The Storthz Brothers Tract (No. 105c) - Lot 6 in the SW $\frac{1}{4}$ , Sec. 31, T. 5 S., R. 1 W., containing 40.00 acres, more or less.

The Storthz Brothers Tract (No. 105d) - The fractional N $\frac{1}{2}$ , and the SW $\frac{1}{4}$ , Sec. 3; all of fractional Sec. 4; all of fractional Sec. 5; the fractional N $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 6; the N $\frac{1}{2}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and the SE $\frac{1}{4}$ , Sec. 8; all of Sec. 9; the W $\frac{1}{2}$ , and the SE $\frac{1}{4}$ , Sec. 10; the fractional SW $\frac{1}{4}$  west of the River, Sec. 11; the fractional NW $\frac{1}{4}$ , fractional N $\frac{1}{2}$  SW $\frac{1}{4}$ , fractional SW $\frac{1}{4}$  SE $\frac{1}{4}$  west of the River, and the S $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 14; all in Sec. 15; N $\frac{1}{2}$  and the E $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 22; all in T. 6 S., R. 1 W., containing 5,111.86 acres, more or less.

The Storthz Brothers Tract (No. 105e) - The  $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 7, T. 6 S., R. 1 W., containing 80.00 acres, more or less.

The Storthz Brothers Tract (No. 105f) - The E $\frac{1}{2}$  NE $\frac{1}{4}$ , and the SE $\frac{1}{4}$ , Sec. 18; the E $\frac{1}{2}$ , Sec. 19; the W $\frac{1}{2}$  E $\frac{1}{2}$ , W $\frac{1}{2}$  and the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 20; the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 21; all Sec. 28; the N $\frac{1}{2}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and the SE $\frac{1}{4}$ , Sec. 29; the E $\frac{1}{2}$ , Sec. 30; Lots 1, 2, 3, 4, 5, 6, 7 and 8 in the NW $\frac{1}{4}$ , Lots 1, 2, 3, 4, 5, 6, 7, and 8 in the SW $\frac{1}{4}$ , and the E $\frac{1}{2}$ , Sec. 31; all Sec. 32; the W $\frac{1}{2}$ , Sec. 33; all in T. 6 S., R. 1 W., containing 4,670.76 acres, more or less.

The J. F. Plant Tract (No. 106b) - The fractional S $\frac{1}{2}$  SW $\frac{1}{4}$  west of the Chute, Sec. 14, T. 4 S., R. 1 W., containing 56.51 acres, more or less.

The J. F. Plant Tract (No. 106a-I) - The fractional N $\frac{1}{2}$  NE $\frac{1}{4}$  east of the Chute, Sec. 22, T. 4 S., R. 1 W., containing 48.10 acres, more or less.

The J. F. Plant Tract (No. 106d) - The fractional W $\frac{1}{2}$  NW $\frac{1}{4}$ , and the fractional SW $\frac{1}{4}$  west of the Chute, Sec. 3; the fractional N $\frac{1}{2}$  NW $\frac{1}{4}$ , and the fractional SW $\frac{1}{4}$  NE $\frac{1}{4}$  west of the Chute, and the S $\frac{1}{2}$  NW $\frac{1}{4}$ , Sec. 10, all in T. 5 S., R. 1 W., containing 251.11 acres, more or less.





WHITE RIVER PROJECT TRACTS (CONT'D)

The J. F. Plant Tract (No. 106e) - The fractional  $SW\frac{1}{4}$ , Sec. 15; the  $S\frac{1}{2} NE\frac{1}{4}$ , and the  $SE\frac{1}{4}$ , Sec. 16; all in T. 5 S., R. 1 W., containing 397.44 acres, more or less.

The J. F. Plant Tract (No. 106f) - The  $NE\frac{1}{4} SE\frac{1}{4}$ , Sec. 20, T. 5 S., R. 1 W., containing 40.00 acres, more or less.

The J. F. Plant Tract (No. 106g) - The fractional  $N\frac{1}{2} NE\frac{1}{4}$ , and the fractional  $SE\frac{1}{4} NE\frac{1}{4}$  west of the River, Sec. 23, T. 5 S., R. 1 W., containing 105.81 acres, more or less.

The J. F. Plant Tract (No. 106h) - The fractional  $W\frac{1}{2} NE\frac{1}{4}$ , and the fractional  $W\frac{1}{2} SE\frac{1}{4}$ , Sec. 25, T. 5 S., R. 1 W., containing 64.56 acres, more or less.

The J. F. Plant Tract (No. 106j) - The  $SE\frac{1}{4} NE\frac{1}{4}$ , Sec. 31, T. 5 S., R. 1 W., containing 40.00 acres, more or less.

The G. B. Deane Tract (No. 107a) - The  $S\frac{1}{2} NW\frac{1}{4}$  west of the River, Sec. 10, T. 4 S., R. 1 W., containing 80.00 acres, more or less.

The G. B. Deane Tract (No. 107b) - The  $NE\frac{1}{4} NE\frac{1}{4}$ , Sec. 16; and the fractional  $W\frac{1}{2} NW\frac{1}{4}$  west of the River, Sec. 15, all in T. 5 S., R. 1 W., containing 58.68 acres, more or less.

The Cookson and Bushkirk Tract (No. 121a) - The fractional  $NW\frac{1}{4}$  west of the River, and the fractional  $NW\frac{1}{4} SW\frac{1}{4}$  north of the River, Sec. 1; the fractional  $NE\frac{1}{4} SE\frac{1}{4}$ , and the fractional  $W\frac{1}{2} NE\frac{1}{4}$  north of the River, the fractional  $S\frac{1}{2} NW\frac{1}{4}$  and the fractional  $SW\frac{1}{4}$  west of the River, the fractional  $SE\frac{1}{4} NE\frac{1}{4}$ , the  $NE\frac{1}{4} NE\frac{1}{4}$ , and the  $N\frac{1}{2} NW\frac{1}{4}$ , Sec. 2; all in T. 6 S., R. 1 W., containing 518.58 acres, more or less.

The American Savings & Trust Company Tract (No. 122) - The  $SW\frac{1}{4}$ , Sec. 10, T. 4 S., R. 1 W., containing 160.00 acres, more or less.

The John A. West Tract (No. 123) - The  $N\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4}$ , and the  $N\frac{1}{2} S\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4}$ , Sec. 22, T. 4 S., R. 1 W., containing 30.00 acres, more or less.

The H. E. Lyghtle Tract (No. 124) - The  $S\frac{1}{2} S\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4}$ , Sec. 22, T. 4 S., R. 1 W., containing 10.00 acres, more or less.

The L. A. Black Tract (No. 125) - The fractional  $S\frac{1}{2}$  south of the Chute, Sec. 27; the  $W\frac{1}{2} W\frac{1}{2}$ , and the  $NE\frac{1}{4} NW\frac{1}{4}$ , Sec. 34, all in T. 4 S., R. 1 W., containing 388.06 acres, more or less.

The A. T. Stapp Tract (No. 126) - The fractional  $NE\frac{1}{4} SW\frac{1}{4}$ , and the  $SE\frac{1}{4} NW\frac{1}{4}$ , Sec. 34, T. 4 S., R. 1 W., containing 78.74 acres, more or less.

The Julia Turner Tract (No. 127) - The fractional  $SE\frac{1}{4} SW\frac{1}{4}$ , Sec. 34, T. 4 S., R. 1 W., containing 37.28 acres, more or less.

The M. O. McSwain Tract (No. 128) - the  $NW\frac{1}{4} NE\frac{1}{4}$ , Sec. 16, T. 5 S., R. 1 W., containing 40.00 acres, more or less.



WHITE RIVER PROJECT TRACTS (CONT'D)

The J. B. Butler Tract (No. 129) - The NW $\frac{1}{4}$ , Sec. 21, T. 5 S., R. 1 W., containing 160.00 acres, more or less.

The O. B. Butler Tract (No. 130) - the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 20, T. 5 S., R. 1 W., containing 40.00 acres, more or less.

The E. C. Haller Tract (No. 131) - The SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 20, T. 5 S., R. 1 W., containing 40.00 acres, more or less.

The E. C. Haller Tract (No. 131a) - Lot 6, Sec. 7, T. 7 S., R. 1 W., containing 38.34 acres, more or less.

The J. A. McKay Tract (No. 132) - The W $\frac{1}{2}$  SE $\frac{1}{4}$ , Sec. 20; E $\frac{1}{2}$  NW $\frac{1}{4}$ , and NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 28; the N $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 29, all in T. 5 S., R. 1 W., containing 280.00 acres, more or less.

The J. A. McKay Tract (No. 132a) - The NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 29, T. 5 S., R. 1 W., containing 40.00 acres, more or less.

The George Poor Tract (No. 133) - The SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 28, T. 5 S., R. 1 W., containing 40.00 acres, more or less.

The Mrs. L. D. Spright Tract (No. 134) - The NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 29, T. 5 S., R. 1 W., containing 40.00 acres, more or less.

The John Ross Tract (No. 135) - The SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and the W $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 29; the N $\frac{1}{2}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and the W $\frac{1}{2}$  SE $\frac{1}{4}$ , Sec. 31; the N $\frac{1}{2}$ ; and the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 32; W $\frac{1}{2}$  NW $\frac{1}{4}$ , and the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 33; all in T. 5 S., R. 1 W., containing 700.00 acres, more or less.

The John Ross Tract (No. 135a) - The E $\frac{1}{2}$  E $\frac{1}{2}$ , Sec. 7; T. 6 S., R. 1 W., containing 160.00 acres, more or less.

The John Ross Tract (No. 135b) - The SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 8, T. 6 S., R. 1 W., containing 40.00 acres, more or less.

The John Ross Tract (No. 135d) - The W $\frac{1}{2}$ , Sec. 17, T. 6 S., R. 1 W., containing 320.00 acres, more or less.

The Miller and Quartermous Tract (No. 136) - The fractional W $\frac{1}{2}$  NW $\frac{1}{4}$  west of the River, Sec. 11, T. 6 S., R. 1 W., containing 29.60 acres, more or less.

The Miller and Quartermous Tract (No. 136a) - Lot 2, Sec. 7, T. 7 S., R. 1 W., containing 40.00 acres, more or less.

The Fish Lake Hunting Club Tract (No. 137) - The NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 16, T. 6 S., R. 1 W., containing 40.00 acres, more or less.

The Fish Lake Hunting Club Tract (No. 137a) - The NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 16, T. 6 S., R. 1 W., containing 40.00 acres, more or less.

The Mrs. Lillian Myler Tract (No. 138) - The E $\frac{1}{2}$  NE $\frac{1}{4}$ , and the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 20; the N $\frac{1}{2}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , and the SE $\frac{1}{4}$ , Sec. 21; the W $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 22, all in T. 6 S., R. 1 W., containing 720.00 acres, more or less.



WHITE RIVER PROJECT TRACTS (CONT'D)

The Unknown Owner Tract (No. 310) - The  $SW\frac{1}{4}$   $NE\frac{1}{4}$ ,  $W\frac{1}{2}$   $SE\frac{1}{4}$ ,  
and the  $SE\frac{1}{4}$   $SE\frac{1}{4}$ , Sec. 6, T. 6 S., R. 1 W., containing  
160.00 acres, more or less.

The Unknown Owner Tract (No. 311) - The  $E\frac{1}{2}$   $SW\frac{1}{4}$ , Sec. 21,  
T. 6 S., R. 1 W., containing 80.00 acres, more or less.

The Unknown Owner Tract (No. 312) - The  $SE\frac{1}{4}$ ,  $NE\frac{1}{4}$ , Sec. 29,  
T. 6 S., R. 1 W., containing 40.00 acres, more or less.





WHITE RIVER PROJECT TRACTS (CONT'D)

The J. E. Marsh, Estate Tract (No. 139) - The fractional  $N\frac{1}{2}$ , the fractional  $SW\frac{1}{4}$ , west of the River, and the fractional  $NE\frac{1}{4}$   $SE\frac{1}{4}$ , north of the River, Sec. 5; that part of the  $N\frac{1}{2}$   $NW\frac{1}{4}$ , north of the River, Sec. 8, T. 7 S., R. 1 W., containing 465.29 acres, more or less.

The J. E. Marsh, Estate Tract (No. 139a) - That part of the  $W\frac{1}{2}$   $W\frac{1}{2}$ , west of the River, Sec. 8; that part of the  $NW\frac{1}{4}$   $NW\frac{1}{4}$ , west of the River, Sec. 17, all in T. 7 S., R. 1 W., containing 28.64 acres, more or less.

The Unknown Owner Tract (No. 304) - The fractional part of Sec. 28, southwest of the Old Channel; the fractional  $NW\frac{1}{4}$ , east of the River and west of the Old Channel, Sec. 33, all in T. 3 S., R. 1 W., containing 82.90 acres, more or less.

The Unknown Owner Tract (No. 307) - The fractional  $SW\frac{1}{4}$   $SW\frac{1}{4}$  west of the River, Sec. 3; the fractional  $N\frac{1}{2}$   $NW\frac{1}{4}$  west of the River, and the fractional  $W\frac{1}{2}$   $E\frac{1}{2}$  west of the River, Sec. 10, all in T. 4 S., R. 1 W., containing 129.63 acres, more or less.

The Unknown Owner Tract (No. 308) - The  $NW\frac{1}{4}$   $SW\frac{1}{4}$ , Sec. 22, T. 4 S., R. 1 W., containing 40.00 acres, more or less.

The Unknown Owner Tract (No. 309) - The fractional  $N\frac{1}{2}$ , fractional  $NE\frac{1}{4}$   $SW\frac{1}{4}$ , and the fractional  $N\frac{1}{2}$   $SE\frac{1}{4}$  all north and east of White River Chute, Sec. 28, T. 4 S., R. 1 W., containing 286.99 acres, more or less.

The Unknown Owner Tract (No. 315) - The fractional  $SW\frac{1}{4}$   $NW\frac{1}{4}$  west of the River, Sec. 24, T. 5 S., R. 1 W., containing 10.94 acres, more or less.

And together therewith all accretion land thereunto belonging and all and singular the water rights, and other rights, tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining.





4. The estate taken for said public uses is the fee simple title thereto subject only to existing public highways, and public utility easements, if any.

5. The Government's abstracts of title covering the said lands have not been completed and, therefore, it will be necessary to supplement this petition bringing in additional defendants. The apparent owners of the said tracts are: The Fisher Delta Log Company, Memphis, Tennessee, as to Tract No. 5b; Storthz Brothers, Little Rock, Arkansas, as to Tracts Nos. 105, 105a, 105b, 105c, 105d, 105e; J. F. Plant, Clarendon, Arkansas, as to Tracts Nos. 106b, 106c, 106d, 106e, 106f, 106g, 106h, 106j; G. B. Deane, St. Charles, Arkansas, as to Tracts Nos. 107a, 107b; Cookson and Bushkirk, C/o Mignon Cookson, 513 E. 8th St., Bloomington, Indiana, as to Tracts No. 121a; The American Savings & Trust Company, Little Rock, Arkansas, as to Tract No. 122; John A. West, Van, Arkansas, as to Tract No. 123; H. E. Lyghtle, St. Charles, Arkansas, as to Tract No. 124; L. A. Black, DeWitt, Arkansas, as to Tract No. 125; A. T. Stapp, Ethel, Arkansas, as to Tract No. 126; Julia Turner, Ethel, Arkansas, as to Tract No. 127; M. O. McSwain, Ethel, Arkansas, as to Tract No. 128; J. B. Butler, Ethel, Arkansas, as to Tract No. 129; O. B. Butler, Ethel, Arkansas, as to Tract No. 130; E. C. Haller, Tichnor, Arkansas, as to Tract No. 131; E. C. Haller, Tichnor, Arkansas, as to Tract No. 131a; J. A. McKay, DeWitt, Arkansas, as to Tracts Nos. 132 and 132a; George Poor, Ethel, Arkansas, as to Tract No. 133; Mrs. L. D. Spright, address unknown, as to Tract No. 134; John Ross, 1785 S. Parkway E., Memphis, Tennessee, as to Tracts Nos. 135, 135a, 135b; Miller and Quertermous, DeWitt, Arkansas, as to Tracts Nos. 136 and 136a; Fish Lake Hunting Club, C/o George Purdy, DeWitt, Arkansas, as to Tracts Nos. 137 and 137a; Mrs. Lillian Myler, address unknown, as to Tract No. 138; J. E. Marsh Estate, address unknown, as to Tracts Nos. 139 and 139a; Unknown Owners as to Tracts Nos. 307, 308, 309 and 315; and they and their unknown spouses, if any, are made defendants hereto. The county of Arkansas, Arkansas, may have some claim for taxes and assessments, and it and its commissioners or supervisors, treasurer and tax collector are made defendants hereto.



6. All and singular the heirs, husbands, wives, devisees, executors, administrators, representatives, alienees, successors, assigns of each and every of the above named persons, firms and corporations; and all unknown owners, lienors and claimants having or claiming any right, title, estate, equity, interest or lien; and all occupants, lessees, licensees and users and holders and owners of or claimants to easements in, on, over, across or through said lands; and all persons, companies and corporations claiming any title or interest to or in any of said tracts of land; are made parties defendant to the end that they may come into Court and by proper pleadings make claim to said lands, or to the proceeds arising therefrom.

7. WHEREFORE, your petitioner prays: That this Honorable Court will take jurisdiction of this cause, and will make and have entered all such orders, judgments and decrees as may be necessary to bring all of the known owners of said land before this Court, and to make all unknown parties having any interest therein parties defendant hereto, and will appoint commissioners to appraise and fix the value of said lands and the amount of compensation, and all such other and further orders, judgments and decrees as may be necessary to vest said lands in fee simple absolute in the United States of America, and make just distribution of the estimated and final award among those entitled thereto as expeditiously as possible.

UNITED STATES OF AMERICA

By Fred A. Isgrig  
United States Attorney for  
the District of Arkansas, Eastern  
District



UNITED STATES OF AMERICA       )  
                                      )  
District of Arkansas            )

To Wit:

Before me the undersigned personally appeared:

Fred A. Isgrig \_\_\_\_\_ United  
States Attorney in and for the District of Arkansas, and made oath  
in due form of Law that the matters and facts set forth in the foregoing  
petition are true to the best of his knowledge and belief.

Sworn to before me this 10 day of May, 1935.

Sid B. Redding  
Clerk of the United States District  
Court for the District of Arkansas,  
Eastern District

By Wilbur S. Jones, D. C.

(SEAL)



UNITED STATES OF AMERICA  
Eastern District of Arkansas  
Western Division

- - - - -

I, - - - SID B. REDDING - - - - , Clerk of the District Court of the  
United States for the Eastern District of Arkansas, in the Eighth Circuit,  
hereby certify that the foregoing writing- - - - - annexed to this  
certificate - - - is a - - - true, correct, and compared copy - - - - of  
the original remaining of record in my office, at - - - Little Rock - - -  
Arkansas.

In Witness Whereof, I have hereunto set my hand and  
the seal of said Court, this - - - - 10th - - - - -  
day of - - - - May - - - -, in the year of our Lord,  
One Thousand Nine Hundred and - - 35 - - - and of the  
Independence of the United States of America, the  
One Hundred and - - 59th. - - - - -

SID B. REDDING - - - -, Clerk.

Attest:

By Wilbur S. Jones, D. C.

(SEAL)

